

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT W. PRESTON,

Plaintiff,

v.

No. CV 14-0278 KG/LAM

**CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,**

Defendant.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its *Order to Show Cause* (Doc. 19), entered August 4, 2014, in which the Court ordered Plaintiff, no later than August 14, 2014, to either file with the Court a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file with the Court a response showing cause why this case should not be dismissed for failure to prosecute. On August 13, 2014, Plaintiff filed a response to the Order to Show Cause, stating that counsel for Plaintiff, Helen Laura López, has had her Social Security cases wrongfully transferred out of New Mexico and to Tulsa, which “has caused great hardship to [Ms.] López’ clients and has created disruption in the management of [Ms.] López’ practice.” [Doc. 20 at 2]. Ms. López further states that she has filed a civil rights lawsuit in this Court against the Social Security Administration for the alleged wrongful transfer of her cases, citing Civ. No. 14-678. *Id.* at 1.

The Court first notes that Ms. López’ argument of the merits of her personal lawsuit against the Social Security Administration in response to the Court’s Order to Show Cause is

inappropriate. In addition, the time Ms. López spent on her own case could have been spent drafting Plaintiff's Motion to Reverse or Remand and, instead, Ms. López simultaneously filed a motion to extend Plaintiff's briefing schedule for an additional sixty (60) days. *See [Doc. 21]*, filed on August 13, 2014. The Court cautions Ms. López that her own case should not take precedence over the interests of her clients. The Court instructs Ms. López to ensure that she does not have a conflict of interest with her Social Security clients now that she has engaged in personal litigation against the Social Security Administration, especially if her personal lawsuit is interfering with her work for her clients. In addition, the Court notes that Ms. López fails to state whether Plaintiff's case was one of the cases reassigned to Tulsa. Ms. López further fails to explain how the reassignment of her cases have specifically affected *Plaintiff's* case. The Briefing Scheduling Order was entered in this case on May 28, 2014 [*Doc. 13*], so Ms. López has had over two months to prepare a Motion to Reverse or Remand in Plaintiff's case. The Court, therefore, does not find good cause for Ms. López' failure to file a Motion to Reverse or Remand. The Court declines to recommend at this time sanctions against Ms. López for her failure to comply with the Court's Briefing Scheduling Order; however, any further failure to comply with the Court's orders may result in the recommendation of sanctions against Ms. López.

IT IS THEREFORE ORDERED THAT, for the reasons stated above, the Court's *Order to Show Cause (Doc. 19)* is hereby **QUASHED**. The Court will enter a separate order on *Plaintiff's Unopposed Motion Out of Time to Extend Time for Filing Brief (Doc. 21)*.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE